

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

RANDY J. SPENCER,
Plaintiff

v.

MATT MCSPARREN, BOB BETZOLD,
FRED BUCKHOLTZ, and REGINA
DELOE, ERIC HEIL, and TOWNSHIP
OF CRANBERRY
Defendants

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: Docket No. 1:23-cv-00036-SPB
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: *Electronically Filed*
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: **JURY TRIAL DEMANDED**

**NOTICE OF SERVICE OF PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS DIRECTED TO DEFENDANT TOWNSHIP OF CRANBERRY (FIRST
SET)**

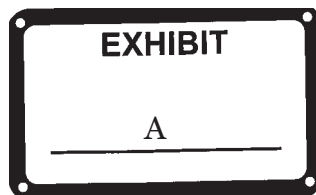
Notice is hereby given that Plaintiff's Request for Production of Documents (First Set) was served on the 22nd day of November, 2023 by email to Frank J. Lavery, Jr., Esquire and Andrew W. Norfleet, Esquire. By email to flavery@laverylaw.com and anorfleet@laverylaw.com

Respectfully submitted,

MCNAIR LAW OFFICES, PLLC

By: /s/ Timothy D. McNair

Timothy D. McNair, Esquire
821 State Street
Erie, PA 16501
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TO DEFENDANT TOWNSHIP OF CRANBERRY (FIRST SET)**

NOW COMES the Plaintiff, Randy J. Spencer, by counsel, and provides the following Request for Production of Documents to Defendant Township of Cranberry to be answered in writing and under oath within thirty days of services hereof, as provided in the Federal Rules of Civil Procedure:

INSTRUCTIONS AND DEFINITIONS

- A. "You" or "your" refers to Defendant(s) herein and to all other persons acting or purporting to act on behalf of Defendant(s), including agents and employees.
- B. "Township" means "Township of Cranberry".
- C. "Communications" shall mean all inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, telephone conversations, letters, correspondence, notes, telegrams, telexes, advertisements, facsimiles, e-mail, or other forms of verbal and/or communicative intercourse.
- D. "Documents" shall mean all written or graphic matter of every kind or description, however, produced or reproduced, whether draft or final, original or reproduction signed or unsigned, and regardless of whether approved, signed, sent,

received, redrafted, or executed, including but not limited to: written communications, letters, correspondence, facsimiles, e-mail, memoranda, minutes, notes, films, recordings, of any type, transcripts, contracts, agreements, purchase or sales orders, memoranda of telephone conversations of personal conversations, diaries, desk calendars, interoffice communications, reports, studies, bills, receipts, checks, checkbooks, invoices, requisitions or material similar to any of the foregoing however denominated, by whomever prepared, and to whomever addressed, which are in your possession, custody or control or to which you have had or can obtain access.

E. “Persons” means an individual, corporation, partnership, trust, associations, company, organization, or any form of a business or commercial entity.

F. “Business Entity” means any proprietorship, partnership, corporation, limited liability company, unincorporated association, limited partnership, limited liability partnership, or other organization through which money passes.

G. “Identify” when used with respect to an individual, means to state (1) their name; (2) business affiliation and official title and/or position; and (3) their last known residential and business address.

H. “Identify” when used with respect to a document, means to state (1) the type of document (e.g. letter, memorandum, hand-written note, facsimile, e-mail); (2) its date of origin or creation; (3) its author and addressee; (4) its last known custodian or locations; and (5) a brief description of its subject matter and size. In lieu of identifying any document(s), you may attach a copy of it to your answer, indicating the question to which it is responsive.

I. “Identify” when used with respect to a company or other business entity, means to state, (1) the company’s legal name, any former names, and the name under which it trades or does business (2) the address of its principal place of business; and (3) the identity of its chief executive officer.

J. “Relate to” means consist of, refer to, reflect or be in any way logically connected with the matter discussed.

K. The period of time encompassed by these requests shall be from the date of Plaintiff's first citation until present, unless otherwise indicated. Note, this request is continuing up to and at the time of trial.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. All citations and related documents issued under the Township's Nuisance Ordinance, Property Maintenance Ordinance, and Zoning Ordinance relating to junk yards in the past ten (10) years.

RESPONSE:

2. All documents relating to the issuance of a Zoning Enforcement Notice to SSR, LLC, relating to Parcel No. 08,014,-041..-00 on or about February 11, 2021, including any documents relating to the investigation or observation of the alleged violation before the Notice was issued, and all documents relating to the withdrawal of the Violation Notice on or about April 1, 2021.

RESPONSE:

3. All documents relating to the identification of any automobiles on Parcel No. 08,014,-041..-00 before the February 11, 2021 Zoning Violation Notice was issued, including any documents noting ownership of any such vehicles.

RESPONSE:

4. All documents relating to the issuance, service, or prosecution of any violation notice to Daniel Heath under the Cranberry Township Property Maintenance Ordinance resulting in the filing of a criminal citation at No. MJ-28304-NT-0000118-2023 and No. MJ-28304-NT-0000119-2023, including any notes, memoranda, communications, emails, correspondence or other document comprising the observations of any Township employee and any communication between Daniel Heath and the Township regarding the Heath property on or near Deep Hollow Road in the Township.

RESPONSE:

5. Any and all documents relating to any investigation of the ownership of any vehicles on the Heath property on or near Deep Hollow Road in the Township.

RESPONSE:

6. Any and all documents comprising, recording, reflecting, or relating to the Township's decision to file the Contempt Petition against Plaintiff on or about February 2, 2023.

RESPONSE:

7. Any and all documents relating to any investigation of the junkyard maintained by Barbara Ross on the Victory Heights Hill property along U.S. Route 322, including, without limitation, any correspondence, violation notices, citations, or other documents.

RESPONSE:

8. Any and all documents relating to any investigation of any junkyard in the Township in the past five (5) years.

RESPONSE:

9. Any and all internal or external communications regarding any citations filed under the Township's Nuisance Ordinance, Property Maintenance Ordinance, and Zoning Ordinance relating to junk yards in the past five (5) years.

RESPONSE:

RESPONSE:

10. Any and all internal and external communications regarding Plaintiff's alleged violation of the Injunction on the Deep Hollow Property.

RESPONSE:

Respectfully submitted,

MCNAIR LAW OFFICES, PLLC

By: /s/ Timothy D. McNair

Timothy D. McNair, Esquire

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VERIFICATION

I, _____, verify that the Responses to Plaintiff's Request for Production of Documents Directed to Defendant Township of Cranberry (First Set) are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to the penalties of 28 U.S.C. Section 1746 relating to unsworn falsification to authorities.

Signature

Date: _____

